

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1319 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RABARI LAXMAN KANA

Versus

STATE OF GUJARAT

Appearance:

Mr. R.M. Chhaya, for NANAVATY ADVOCATES for Petitioner
Mr.Gohil for APP for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 22/04/98

ORAL JUDGEMENT

Heard learned Advocate Mr. R.M. Chhaya for M/s Nanavati Advocates on behalf of the petitioner. Rule. Learned APP Mr. Gohil waives service of Rule on behalf of the respondent State.

The petitioner has prayed for modification of the condition imposed on him while granting bail on 1.11.1996

by this court.

It is submitted on behalf of the petitioner that as per the order of the bail, copy of which is produced at Annexure-A, the petitioner is required to mark his presence at the Police Station on every 15th and the last day of every month. That petitioner is a Driver and on account of his gainful activity, it is difficult for him to present himself on 15th and the last day of every month to the Police Station for marking his presence. Under the circumstances, said conditions may be suitably modified.

Learned APP has left the matter to the discretion of the Court.

In the facts and circumstances of the case, the condition imposed on petitioner vide order dated 1.11.1996, passed in Criminal Misc. Application No. 5364 of 1996 is modified to the extent that petitioner shall report to the concerned Police Station once in a month on any day instead of 15th and the last day of every month. Rest of the conditions remain as it is. Rule is made absolute accordingly. No order as to costs. Direct service is permitted.

p.n.nair